

House File 404

HOUSE FILE _____
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 135)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing a sentencing court to issue no-contact orders
2 against persons arrested for any public offense.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2118HV 80
5 rh/sh/8

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1 1 Section 1. Section 901.5, Code 2003, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7A. a. The court may order the defendant
1 4 to have no contact with the victim of the offense, persons
1 5 residing with the victim, members of the victim's immediate
1 6 family, or witnesses to the offense if the court finds that
1 7 the presence of or contact with the defendant poses a threat
1 8 to the safety of the victim, persons residing with the victim,
1 9 members of the victim's immediate family, or witnesses to the
1 10 offense.
1 11 b. The duration of the no-contact order may extend for a
1 12 period of five years from the date the judgment is entered or
1 13 the deferred judgment is granted, or up to the maximum term of
1 14 confinement, whichever is greater. The court may order the
1 15 no-contact order regardless of whether the defendant is placed
1 16 on probation.
1 17 Upon the filing of an affidavit by the victim, a person
1 18 residing with the victim, a member of the victim's immediate
1 19 family, or a witness to the offense which states that the
1 20 defendant continues to pose a threat to the safety of the
1 21 victim, persons residing with the victim, members of the
1 22 victim's immediate family, or witnesses to the offense within
1 23 ninety days prior to the expiration of the no-contact order,
1 24 the court shall modify and extend the no-contact order for an
1 25 additional period of up to five years, unless the court finds
1 26 that the defendant no longer poses a threat to the safety of
1 27 the victim, persons residing with the victim, members of the
1 28 victim's immediate family, or witnesses to the offense. The
1 29 number of modifications extending the no-contact order
1 30 permitted by this subsection is not limited.
1 31 c. The court order shall contain the court's directives
1 32 restricting the defendant from having contact with the victim
1 33 of the offense, persons residing with the victim, members of
1 34 the victim's immediate family, or witnesses to the offense.
1 35 The order shall state whether the defendant is to be taken
2 1 into custody by a peace officer for a violation of the terms
2 2 stated in the order.
2 3 d. Violation of a no-contact order issued under this
2 4 section is punishable by summary contempt proceedings. A
2 5 hearing in a contempt proceeding brought pursuant to this
2 6 subsection shall be held not less than five and not more than
2 7 fifteen days after the issuance of a rule to show cause, as
2 8 set by the court, unless the defendant is already in custody
2 9 at the time of the alleged violation in which case the hearing
2 10 shall be held not less than five days and not more than forty-
2 11 five days after the issuance of the rule to show cause.
2 12 e. For purposes of this subsection, "victim" means a
2 13 person who has suffered physical, emotional, or financial harm
2 14 as the result of a public offense committed in this state.
2 15 HF 404
2 16 rh/es/25